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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,698		12/21/2001	Ilkka Rahnasto	367.39588X00	6934
20457	7590	02/27/2006		EXAM	INER
	•	RRY, STOUT & KRAUS, LLP BAYAT, BRADLEY B			RADLEY B
SUITE 1800		NIECNIH SIKEEI		ART UNIT	PAPER NUMBER
ARLINGTO	N, VA	22209-3873	3621		
				DATE MAILED: 02/27/200	6

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
	q	10/023,698	RAHNASTO, ILKKA
	Office Action Summary	Examiner	Art Unit
		Bradley B. Bayat	3621
 Period for	The MAILING DATE of this communication app Reply	pears on the cover sheet w	vith the correspondence address
WHICH - Extension after SI - If NO per - Failure of Any rep	RTENED STATUTORY PERIOD FOR REPLY EVER IS LONGER, FROM THE MAILING DO ONE of time may be available under the provisions of 37 CFR 1.1 K (6) MONTHS from the mailing date of this communication. For eriod for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute by received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 36(a). In no event, however, may a will apply and will expire SIX (6) MO c, cause the application to become A	ICATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status	paton to management and a series in a income		
1)⊠ R	esponsive to communication(s) filed on <u>05 D</u>	<u>ecember 2005</u> .	
•	<u> </u>	action is non-final.	
3) 🗌 S	ince this application is in condition for allowa	nce except for formal ma	tters, prosecution as to the merits is
С	losed in accordance with the practice under E	Ex parte Quayle, 1935 C.I	D. 11, 453 O.G. 213.
Dispositio	n of Claims		
•	laim(s) <u>33-38,41,46-50,52,54,56 <i>and</i> 57</u> is/ar	e pending in the applicat	ion.
	a) Of the above claim(s) is/are withdraw		
5)□ C	claim(s) is/are allowed.		
6)⊠ C	laim(s) <u>33-38, 41, 46, 47-50, 52, 54, 56 and s</u>	57 is/are rejected.	
• —	claim(s) <u>46</u> is/are objected to.		
8) 🗌 C	claim(s) are subject to restriction and/o	r election requirement.	
Application	n Papers		
9)∏ TI	ne specification is objected to by the Examine	er.	
<i>'</i> —	ne drawing(s) filed on is/are: a) acc		by the Examiner.
	pplicant may not request that any objection to the		
	eplacement drawing sheet(s) including the correct		
11)[] TI	ne oath or declaration is objected to by the Ex	kaminer. Note the attache	ed Office Action or form PTO-152.
Priority un	der 35 U.S.C. § 119		
12) 🗌 A	cknowledgment is made of a claim for foreign	priority under 35 U.S.C.	§ 119(a)-(d) or (f).
	All b) Some * c) None of:		
1	. Certified copies of the priority document	ts have been received.	
	. Certified copies of the priority document		
3	. Copies of the certified copies of the prior		n received in this National Stage
	application from the International Burea		
* Se	e the attached detailed Office action for a list	of the certified copies no	t received.
Attachment(s	;)		
1) 🛛 Notice	of References Cited (PTO-892)		Summary (PTO-413)
	of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		r(s)/Mail Date Informal Patent Application (PTO-152)
	ation Disclosura Statement/s) (DTO 1440 or DTO/SR/08)	3) LI NOTICE OF	mionnai ratent Application (FTO-132)

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DETAILED ACTION

Status of Claims

Applicant's election without traverse of Group I in the reply filed on December 5, 2005 is acknowledged. As per the restriction requirement dated 11/3/2005, applicant has elected Group I, claims 33-38,41,46-50,52,54,56 and 57 without traverse and withdrawn Group II, claims 39, 40, 42-45, 51, 53 and 55. Thus claims 33-38,41,46-50,52,54,56 and 57 are pending and presented for examination.

Response to Arguments

Applicant's arguments filed 8/9/2005 are most in view of applicant's cancellation of claims 1-32 and the following new ground(s) of rejection.

Claim Objections

Claim 46 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 46 is directed to a method "in accordance to claim 33," however; claim 33 is directed to a network device. Therefore, the method of claim 46 cannot depend on a claim directed to a network device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-38,41,46-50,52,54,56 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al., US 2004/0133793 A1.

As per the following claims, Ginter discloses:

- 33. A network device for connection in a communication path of a network comprising a controller operable to detect a predetermined tag within content passed along the communication path and to report the detection together with information identifying a sender and/or recipient of the content [0221-0222, 0287, 1721-1734].
- 34. A method of monitoring content transmitted by a network comprising detecting a predetermined tag within content transmitted through the network and reporting the detection together with information identifying a sender and/or recipient of the content with a network device [0221-0222, 0425-0487, 1721-1734].
- 35. A computer program product stored in a computer readable medium for carrying out the method according to claim 34 in a processor in the network which when executing causes the processor to perform the steps of: detecting a predetermined tag within the content by the network; and responding the detection together with information identifying at least one of a sender of the content and a recipient of the content [0221-0222, 0425-0487, 1721-1734].

36. A system for monitoring transmission of content between terminals in a network comprising a network device located in a communication path in the network and a monitoring center connected to the device wherein a controller is included in the device which is operable to detect a predetermined tag within content in the communication path and to report the detection of the predetermined [0221-0222, 0425-0487, 1721-1734].

- 37. A system as claimed in Claim 36, wherein the monitoring center is operable to receive reports from a plurality of networks each having at least one controller [1200, 2116, figure 25 and associated text].
- 38. A system as claimed in Claim 36, comprising a billing entity connected to the center [0229, 2203, 2116].
- 41. A system as claimed in Claim 34, wherein the information includes a network identity such that the center issues the request to a billing entity responsible for the identified network [0229, 2334].
- 46. A method of transmitting a message incorporating content including an embedded tag from a terminal connected to a network using a network device in accordance with claim 33 comprising, obtaining content, placing the content and tag into a payload portion of the message, and transmitting the message over the network including the device [0173].

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47. A method as claimed in Claim 46, wherein the content is obtained by downloading from a

server [1519, 1597].

48. A method as claimed in Claim 46, wherein the content is obtained from a data carrier

uploading from a player of the data carrier [0159].

49. A method as claimed in Claim 46, wherein the message comprises at least one packet [0827-

0856.

50. A method as claimed in claim 49, wherein the tag is embedded in the at least one packet

[0173].

52. A computer program which performs the method of claim 34 stored in a computer readable

medium comprising executable code for execution when loaded on a controller within the

network, wherein the controller is operable in accordance with the code [1659, 1903-1984; fig 69]

and associated text].

54. A computer program which performs the method of claim 46 stored in a computer readable

medium comprising executable code for execution when loaded on a controller within the

network, wherein the controller is operable in accordance with the code [1659, 1903-1984; fig 69

and associated text].

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56. A method of generating a control message by a network device to be sent to a monitoring center connected to the device, the control message indicating passing of content having a predetermined tag embedded within the content through the network device, the control message comprising an identification of the content originating device, a destination address for the content, and a flag created by the network device [1200-1326].

57. A method as claimed in Claim 56, wherein the flag identifies the network device [1088-1102].

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
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MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory-action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent 6,253,193 to Ginter et al.
- US Patent 5,982,891 to Ginter et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: bradley.bayat@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.

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